

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SAMUEL HAYWOOD MYLES,

Plaintiff,

v.

MEDICAL STAFF DOCTOR RAVI GUPTA
AND UNKNOWN NAME MEDICAL
STAFF PHARMACIST,

Defendants.

ORDER

Case No. 14-cv-661-bbc

Plaintiff Samuel Haywood Myles has submitted an inmate trust fund account statement for the six month period preceding his complaint. Accordingly, the court must determine whether plaintiff qualifies for indigent status and, if so, calculate an initial partial payment of the \$350.00 fee for filing this case.

In determining whether a prisoner litigant qualifies for indigent status this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). According to this formula, a prisoner litigant must prepay 20% of the greater of the average monthly balance or the average monthly deposits made to the prisoner's account in the six-month period immediately preceding the filing of the complaint.

From plaintiff's trust fund account statement, I calculate the initial partial payment of his filing fee to be \$7.31. For this case to proceed, plaintiff must submit this amount on or before November 7, 2014. Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that,

1. Plaintiff Samuel Haywood Myles is assessed \$7.31 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$7.31 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before November 7, 2014.

2. If, by November 7, 2014, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff's filing his case at a later date.

3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the PLRA, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 17th day of October, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge